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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE TESLA, INC. SECURITIES
LITIGATION

Case No. 3:18-cv-04865-EMC

**PLAINTIFF'S SUPPLEMENTAL
FINAL PRETRIAL CONFERENCE
SUBMISSION [PER COURT ORDER]**

During the final pretrial conference held on October 25, 2022, the Court heard argument on Plaintiff's omission theory of liability concerning Defendants' August 13, 2018 blog post. Plaintiff argued that he had previously disclosed his theory of liability to Defendants during discovery and pretrial proceedings and, in particular, within his responses to Defendants' contention interrogatories. The Court asked Plaintiff at that time to submit the relevant portions of his interrogatory responses evidencing the disclosure.

Attached hereto as Exhibit A is a true and correct copy of the relevant excerpts of Plaintiff's responses to Defendants' contention interrogatories. The highlighted portions identify the specific responses that conveyed Plaintiff's theory of omission regarding the August 13, 2018 blog post. On Page 6, in response to Interrogatory No. 1, Plaintiff identifies the August 13 blog post as a "challenged omission." On Pages 8-10, in response to Interrogatory No. 2, Plaintiff identifies why the "challenged omission" was false and/or materially misleading and then, on

1 Pages 10-26, identifies the facts supporting his contention (including Elon Musk's text messages
2 with Yasir Al-Rumayyan of the Saudi PIF, as identified at Exhibit 121 in the table appended to
3 Plaintiff's response). Plaintiff served his responses timely on November 4, 2021, per agreement
4 with Defendants' prior counsel (Cooley LLP).

5 Dated: October 28, 2022

Respectfully submitted,

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7 **LEVI & KORSINSKY, LLP**

8 s/ Adam M. Apton

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